

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

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PATENT APPLICATION

OCT 08 2004

ATTORNEY DOCKET NO. 10030712-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Russell Alan Parker

Serial No.: 10/722,950

Examiner: Leon Yun Bon Lum

Filing Date: 11-25-2003

Group Art Unit: 1641

Title: METHODS FOR TREATING AT LEAST ONE MEMBER OF A MICROARRAY STRUCTURE AND
METHODS FOR USING THE SAME

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
(X) No additional fee (Address envelope to "Mail stop Non-Fee Amendments")
() Other: (fee \$)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$88	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$300	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$430.00	3RD MONTH \$980.00	4TH MONTH \$1530.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Russell Alan Parker

I hereby certify that this paper is being facsimile
transmitted to the Patent and Trademark Office on
the date shown below.

Date of Facsimile: 10-08-2004

Typed Name: Donna Macedo

Signature: *D. Macedo*By *[Signature]*

Bret Field for Dianne Rees

Attorney/Agent for Applicant(s)

Reg. No. 37,620

Date: 10-08-2004

Telephone No.: (650) 485-5999

VIA FACSIMILE
703-872-9306**RECEIVED**
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RESPONSE TO RESTRICTION/ ELECTION REQUIREMENT Address to: Commissioner for Patents P.O. Box 1450 Arlington VA 22313-1450	Attorney Docket Confirmation No.	10030712-1
	First Named Inventor	Russell Alan Parker
	Application Number	10/722,950
	Filing Date	November 25, 2003
	Group Art Unit	1641
	Examiner Name	Leon Yun Bon Lum
	Title	Methods for Treating At Least One Member of a Microarray Structure and Methods for Using the Same

Dear Sir:

This communication is responsive to the office communication dated September 10, 2004.

In the above referenced office communication, the Examiner imposed an restriction requirement, requiring the election of one of the following groups of claims for further prosecution in this application:

- I) Claims 1-33;
- II) Claims 34 and 38;
- III) Claims 34 and 39; or
- IV) Claims 35-37.

The Applicants hereby elect the claims of Group I, i.e., Claims 1-33, with traverse.

In the above referenced office communication, the Examiner imposed an election of species requirement if the claims of Group I were elected.

The Applicants hereby elect the following species:

- a.ii (i.e., non-polar organic solvent);
- b.i. (i.e., contacting with plasma); and
- c.i. (i.e., backing element)

with traverse.

Accordingly, the claims readable on the elected species are Claims 1-13, 16-18; 25-31 and 33.

The Applicants also respectfully urge the Examiner to search all of the groups and species in this application for the following reasons.

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The MPEP allows an Examiner to examine otherwise patentably distinct species if to so would not impose an undue burden on the Examiner. M.P.E.P. § 8.03 states that:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present case, it is respectfully submitted that the search for the claims of the elected group and species will likely find any relevant prior art relating to the non-elected groups and species.

Accordingly, little, if any, additional searching should be required for the claims of the non-elected groups and species, and therefore the examination of the claims of the entire invention should impose little, if any, additional burden on the Examiner.

As such, examining all of the groups and species of the present application clearly does not impose an undue or serious burden on the Examiner. In the absence of such an undue or serious burden, the Examiner is clearly instructed by the MPEP to examine the entire application. Therefore, the Examiner is respectfully requested to examine all the groups and species together in the present application.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: October 8, 2004

By: 

Bret E. Field
Registration No. 37,620

AGILENT TECHNOLOGIES, INC.
Legal Department, DL-429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

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